



Docket No.: 208954US2RD CONT



COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

ATTORNEYS AT LAW

MARVIN J. SPIVAK  
(703) 413-3000  
MSPIVAK@OBLOON.COM

RE: Application Serial No.: 09/973,235

Applicants: Hideaki FUKUZAWA, et al.

Filing Date: October 10, 2001

For: MAGNETORESISTANCE EFFECT ELEMENT,  
MAGNETIC HEAD, MAGNETIC HEAD  
ASSEMBLY, MAGNETIC STORAGE SYSTEM

Group Art Unit: 1773

Examiner: N/A

RECEIVED  
NOV 25 2003  
TC 1700

SIR:

Attached hereto for filing are the following papers:

**REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT BASED ON FAILURE  
TO RECEIVE THE NOTICE TO FILE MISSING PARTS**

**ATTORNEY DECLARATION**

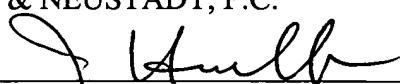
**NOTICE OF ABANDONMENT DATED NOVEMBER 10, 2003**

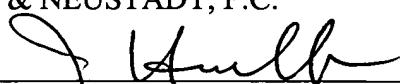
**COMPUTER LOG PRINT OUT NOVEMBER 13, 2001 THROUGH NOVEMBER 28, 2001**

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
Marvin J. Spivak  
Registration No. 24,913

  
James D. Hamilton  
Registration No. 28,421

Customer Number

**22850**

(703) 413-3000 (phone)  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Hideaki FUKUZAWA, et al. : EXAMINER: N/A

SERIAL NO: 09/973,235 : GROUP ART UNIT: 1773

FILED: October 10, 2001 :

TITLE: MAGNETORESISTANCE EFFECT ELEMENT, MAGNETIC HEAD,  
MAGNETIC HEAD ASSEMBLY, MAGNETIC STORAGE SYSTEM

RECEIVED  
NOV 25 2003  
TC 1700

**REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT**  
**BASED ON FAILURE TO RECEIVE THE NOTICE TO FILE MISSING PARTS**

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

Responsive to the Notice of Abandonment dated November 10, 2003, Applicants, through counsel of record, respectfully requests that the holding of abandonment for the above-identified Application be withdrawn due to the fact that the Notice to File Missing Parts mailed by the Patent and Trademark Office on November 13, 2001 was not received by Applicant's Attorneys. The facts concerning this matter are as follows.

Upon receipt of mail from the Patent and Trademark Office in this firm, all mail is opened and logged in a daily computer log. The due date is entered in the firm computer docketing system. At the time of entry into the computer, the serial numbers are checked to ensure that the correct docket number appears on the mail so that the documents are entered in the correct application in the computer and matched with the correct application file. Any due dates resulting from the Patent and Trademark Office mail are also entered in the computer.

Application No.: 09/973,235

Inventor: Hideaki FUKUZAWA, et al.

Request to Withdrawal Holding of Abandonment Based on Failure to Receive the Notice to File Missing Parts

After receiving the Notice of Abandonment, our computer system was checked. The computer Patent Due Dates section for the subject application did not show a current due date for the Declaration, nor did it show receipt of the Notice to File Missing Parts (see attached computer printout).

The application file was then pulled and the full contents of the file were reviewed. The application file contained no Notice to File Missing Parts. The Patent Office computerized Mail Log was then checked. All mail received from the Patent and Trademark Office is logged in the mail log by serial number or patent number, along with a description of the mail received, on a daily basis. Mail from the Patent Office is generally received by our firm within two or three days of mailing. However, to ensure a complete check, the daily log was checked from November 13, 2001 through November 28, 2001 and found to contain no record of having received the Notice to File Missing Parts for the above-identified application.

It is believed that the above discussion and documents enclosed herewith clearly prove the nonreceipt of the Notice to File Missing Parts and therefore, the holding of abandonment was issued in error.

Application No.: 09/973,235

Inventor: Hideaki FUKUZAWA, et al.

Request to Withdrawal Holding of Abandonment Based on Failure to Receive the Notice to File Missing Parts

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Accordingly, it is requested that the holding of abandonment be withdrawn and that prosecution be allowed to continue in the present application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Marvin J. Spivak  
Registration No. 24,913  
Attorney of Record

James D. Hamilton  
Registration No. 28,421

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MJS//dgh

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**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

IN RE APPLICATION OF:

: ATTN:

Hideaki FUKUZAWA, et al.

: EXAMINER: N/A

SERIAL NO.: 09/973,235

: GROUP ART UNIT: 1773

FILED: October 10, 2001

TITLE: MAGNETORESISTANCE EFFECT ELEMENT, MAGNETIC HEAD,  
MAGNETIC HEAD ASSEMBLY, MAGNETIC STORAGE SYSTEM

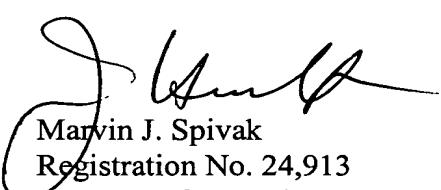
**ATTORNEY DECLARATION**

COMMISSIONER FOR PATENTS  
Alexandria, VA 22313-1450

Sir: *James D. Hamilton*  
I, *Marvin J. Spivak*, attorney of record in the above-identified application, declare the attached to be a true and accurate copy of material to and from the Patent Office from our file including a copy of PTO Communication letter dated November 10, 2003.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 11/20/03

  
Marvin J. Spivak  
Registration No. 24,913  
Attorney of Record

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James D. Hamilton  
Registration No. 28,421



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/973,235	10/10/2001	Hideaki Fukuzawa	208954US2RD CONT

## CONFIRMATION NO. 7269

ABANDONMENT/TERMINATION  
LETTER

\*OC000000011231006\*

Date Mailed: 11/10/2003

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 11/13/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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TC 1700

# PTO Mail Log Report

From 11/13/2001 to 11/28/2001

Mail Type	Application#	Patent#/Reg#	CaseId	Base Date	Date Rcvd
NFMP	09/966,907		214635US	11-08-2001	11-13-2001
NFMP	09/968,546		214627US	11-08-2001	11-13-2001
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NFMP	09/969,772	6,569,547	215806US	11-06-2001	11-13-2001
NFMP	09/970,936	6,437,643	214759US	11-08-2001	11-13-2001
NFMP	09/970,991		206243US	11-07-2001	11-13-2001
NFMP	09/972,887		214089US	11-09-2001	11-13-2001
NFMP	09/972,933	6,530,780	214612US	11-09-2001	11-13-2001
NFMP	09/972,936	6,526,914	214957US	11-08-2001	11-13-2001
NFMP	09/972,939		214808US	11-08-2001	11-13-2001
NFMP	09/973,770		214915US	11-08-2001	11-13-2001
NFMP	09/973,771		214866US	11-08-2001	11-13-2001
NFMP	09/963,634		214231US	11-09-2001	11-14-2001
NFMP	09/973,891	6,599,634	214939US	11-09-2001	11-14-2001
NFMP	09/974,839	6,564,026	214889US	11-09-2001	11-14-2001
NFMP	09/960,922	6,611,672	214327US	11-13-2001	11-16-2001
NFMP	09/973,765		214381US	11-13-2001	11-16-2001
NFMP	09/973,866		213491US	11-09-2001	11-16-2001
NFMP	09/974,906		21550US	11-13-2001	11-16-2001
NFMP	09/965,073		214491US	11-16-2001	11-19-2001
NFMP	09/965,825		213545US	11-19-2001	11-19-2001
NFMP	09/969,766		214763US	11-16-2001	11-19-2001
NFMP	09/973,116		198638US	11-14-2001	11-19-2001
NFMP	09/974,905		214727US	11-13-2001	11-19-2001
NFMP	09/976,155		215143US	11-16-2001	11-19-2001
NFMP	09/976,159	6,597,881	215042US	11-15-2001	11-19-2001
NFMP	09/977,367	6,466,752	215105US	11-15-2001	11-19-2001
NFMP	09/977,381		214918US	11-14-2001	11-19-2001
NFMP	09/977,708	6,591,081	214414US	11-16-2001	11-19-2001
NFMP	09/977,983		215102US	11-16-2001	11-19-2001
NFMP	09/978,003	6,592,252	215193US	11-16-2001	11-19-2001
NFMP	09/978,027		214862US	11-16-2001	11-19-2001
NFMP	09/978,655	6,620,876	211216US	11-15-2001	11-19-2001

# PTO Mail Log Report

From 11/13/2001 to 11/28/2001

Mail Type	CDER	Application #	Patent#/Reg#	Case d	Base Date	Date Rcvd
NFMP		09/981,868		215195US	11-16-2001	11-19-2001
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NFMP		09/981,985		213154US	11-16-2001	11-19-2001
NFMP		29/149,974	D,469,059	215205US	11-14-2001	11-19-2001
NFMP		09/974,901	6,594,464	214895US	11-13-2001	11-20-2001
NFMP		09/977,415	6,548,620	215053US	11-16-2001	11-20-2001
NFMP		09/977,368		214784US	11-19-2001	11-23-2001
NFMP		09/978,097	6,560,438	215139US	11-20-2001	11-23-2001
NFMP		09/978,100		215131US	11-19-2001	11-23-2001
NFMP		09/981,849		215206US	11-19-2001	11-23-2001
NFMP		09/982,015		215137US	11-20-2001	11-23-2001
NFMP		09/983,167		215267US	11-19-2001	11-23-2001
NFMP		09/983,199	6,584,985	212606US	11-20-2001	11-23-2001
NFMP		09/983,300		215321US	11-20-2001	11-23-2001
NFMP		09/983,304	6,538,679	215277US	11-20-2001	11-23-2001
NFMP		09/983,626		215371US	11-20-2001	11-23-2001
NFMP		09/983,719		215251US	11-20-2001	11-23-2001
NFMP		09/984,090	6,549,734	215227US	11-20-2001	11-23-2001
NFMP		09/955,099		214136US	11-23-2001	11-26-2001
NFMP		09/973,019		214890US	11-20-2001	11-26-2001
NFMP		09/978,718	6,444,861	209891US	11-23-2001	11-26-2001
NFMP		09/981,989		215263US	11-20-2001	11-26-2001
NFMP		09/982,014	6,529,696	215194US	11-21-2001	11-26-2001
NFMP		09/982,240		214613US	11-20-2001	11-26-2001
NFMP		09/982,425		213988US	11-21-2001	11-26-2001
NFMP		09/982,827	6,613,918	215340US	11-20-2001	11-26-2001
NFMP		09/982,877	6,593,048	214138US	11-20-2001	11-26-2001
NFMP		09/982,878	6,595,514	214912US	11-23-2001	11-26-2001
NFMP		09/983,175	6,614,823	210428US	11-20-2001	11-26-2001
NFMP		09/983,249		210373US	11-23-2001	11-26-2001
NFMP		09/983,343	6,476,246	214705US	11-20-2001	11-26-2001
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**PTO Mail Log Report**

From 11/13/2001 to 11/28/2001

Mail Type	C.D.F.R	Application #	Patent #/Reg #	Case Id	Base Date	Date Rcvd
NFMP		09/983,622	6,574,054	214322US	11-20-2001	11-26-2001
NFMP		09/983,648	6,539,191	215110US	11-21-2001	11-26-2001
NFMP		09/983,653		215258US	11-21-2001	11-26-2001
NFMP		09/983,687		215462US	11-23-2001	11-26-2001
NFMP		09/983,698		215401US	11-23-2001	11-26-2001
NFMP		09/983,700		215396US	11-23-2001	11-26-2001
NFMP		09/983,928	6,498,169	215411US	11-21-2001	11-26-2001
NFMP		09/983,970	6,600,459	215403US	11-21-2001	11-26-2001
NFMP		09/984,127	6,555,174	215386US	11-21-2001	11-26-2001
NFMP		09/984,236		215055US	11-23-2001	11-26-2001
NFMP		09/984,467	6,618,064	215566US	11-21-2001	11-26-2001
NFMP		09/984,493	6,615,012	215567US	11-21-2001	11-26-2001
NFMP		09/984,497		215650US	11-21-2001	11-26-2001
NFMP		09/984,501		213781US	11-23-2001	11-26-2001
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NFMP		09/985,439		213124US	11-21-2001	11-26-2001
NFMP		09/985,475		214091US	11-23-2001	11-26-2001
NFMP		09/985,487		215864US	11-21-2001	11-26-2001
NFMP		09/986,278	6,559,218	215576US	11-23-2001	11-26-2001
NFMP		09/986,281		215959US	11-23-2001	11-26-2001
NFMP		29/150,090	D,476,623	215490US	11-21-2001	11-26-2001
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NFMP		09/981,987		215231US	11-26-2001	11-28-2001
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## PTO Mail Log Report

From 11/13/2001 to 11/28/2001

Mail Type	C,D,F,R	Application #	Patent#/Reg#	Case Id	Base Date	Date Rcvd
NFMP		09/984,207	6,569,513	215385US	11-26-2001	11-28-2001
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NFMP		09/984,718		215614US	11-26-2001	11-28-2001
NFMP		09/984,799		213122US	11-26-2001	11-28-2001
NFMP		09/985,360		213118US	11-26-2001	11-28-2001
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NFMP		09/985,477	6,463,201	214093US	11-26-2001	11-28-2001
NFMP		09/985,758	6,630,131	215355US	11-26-2001	11-28-2001
NFMP		09/986,384		215760US	11-26-2001	11-28-2001
NFMP		29/1150,112	D,466,477	215494US	11-26-2001	11-28-2001
NFMP		29/1150,118	D,469,740	215493US	11-26-2001	11-28-2001